IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, et al., ex rel. STAN ELLIS :

: CIVIL ACTION

v. : No. 16-1582

:

CVS HEALTH CORPORATION, et al.

ORDER

This 15th day of August, 2024, for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that Plaintiff's Motion to Compel, ECF 101, is **GRANTED** in part and **DENIED** in part, as follows.

• Defendant must produce the following documents in their entirety:

| 1) | Priv_0000106 | 17) Priv_0000460 | 33) | Priv_0000567 | 49) | Priv_0000631 |
|-----|--------------|------------------|-----|--------------|-----|--------------|
| 2) | Priv_0000144 | 18) Priv_0000467 | 34) | Priv_0000568 | 50) | Priv_0000632 |
| 3) | Priv_0000145 | 19) Priv_0000474 | 35) | Priv_0000575 | 51) | Priv_0000633 |
| 4) | Priv_0000327 | 20) Priv_0000475 | 36) | Priv_0000602 | 52) | Priv_0000634 |
| 5) | Priv_0000396 | 21) Priv_0000476 | 37) | Priv_0000605 | 53) | Priv_0000635 |
| 6) | Priv_0000423 | 22) Priv_0000477 | 38) | Priv_0000606 | 54) | Priv_0000636 |
| 7) | Priv_0000438 | 23) Priv_0000482 | 39) | Priv_0000608 | 55) | Priv_0000637 |
| 8) | Priv_0000439 | 24) Priv_0000536 | 40) | Priv_0000609 | 56) | Priv_0000638 |
| 9) | Priv_0000440 | 25) Priv_0000537 | 41) | Priv_0000610 | 57) | Priv_0000639 |
| 10) | Priv_0000441 | 26) Priv_0000538 | 42) | Priv_0000611 | 58) | Priv_0000640 |
| 11) | Priv_0000442 | 27) Priv_0000539 | 43) | Priv_0000612 | 59) | Priv_0000642 |
| 12) | Priv_0000445 | 28) Priv_0000544 | 44) | Priv_0000613 | 60) | Priv_0000643 |
| 13) | Priv_0000448 | 29) Priv_0000547 | 45) | Priv_0000614 | 61) | Priv_0000644 |
| 14) | Priv_0000457 | 30) Priv_0000564 | 46) | Priv_0000615 | 62) | Priv_0000645 |
| 15) | Priv_0000458 | 31) Priv_0000565 | 47) | Priv_0000629 | 63) | Priv_0000646 |
| 16) | Priv_0000459 | 32) Priv_0000566 | 48) | Priv_0000630 | 64) | Priv_0000668 |
| • | | • | | | | |

| (5) Drive 0000(00 | 02) Prizz 0000024 | 121) Drive 0001640 | 140) Print 0001076 |
|-------------------|-------------------|--------------------|--------------------|
| 65) Priv_0000698 | 93) Priv_0000934 | 121) Priv_0001640 | 149) Priv_0001976 |
| 66) Priv_0000737 | 94) Priv_0000935 | 122) Priv_0001641 | 150) Priv_0002080 |
| 67) Priv_0000738 | 95) Priv_0000941 | 123) Priv_0001642 | 151) Priv_0002127 |
| 68) Priv_0000739 | 96) Priv_0000964 | 124) Priv_0001643 | 152) Priv_0002136 |
| 69) Priv_0000763 | 97) Priv_0000965 | 125) Priv_0001644 | 153) Priv_0002139 |
| 70) Priv_0000772 | 98) Priv_0000966 | 126) Priv_0001645 | 154) Priv_0002140 |
| 71) Priv_0000796 | 99) Priv_0000967 | 127) Priv_0001646 | 155) Priv_0002173 |
| 72) Priv_0000824 | 100) Priv_0000968 | 128) Priv_0001647 | 156) Priv_0002183 |
| 73) Priv_0000825 | 101) Priv_0000969 | 129) Priv_0001734 | 157) Priv_0002189 |
| 74) Priv_0000826 | 102) Priv_0000996 | 130) Priv_0001735 | 158) Priv_0002231 |
| 75) Priv_0000835 | 103) Priv_0001012 | 131) Priv_0001741 | 159) Priv_0002236 |
| 76) Priv_0000840 | 104) Priv_0001112 | 132) Priv_0001742 | 160) Priv_0002255 |
| 77) Priv_0000861 | 105) Priv_0001113 | 133) Priv_0001768 | 161) Priv_0002268 |
| 78) Priv_0000862 | 106) Priv_0001168 | 134) Priv_0001769 | 162) Priv_0002280 |
| 79) Priv_0000863 | 107) Priv_0001176 | 135) Priv_0001770 | 163) Priv_0002281 |
| 80) Priv_0000880 | 108) Priv_0001368 | 136) Priv_0001777 | 164) Priv_0002311 |
| 81) Priv_0000881 | 109) Priv_0001369 | 137) Priv_0001792 | 165) Priv_0002312 |
| 82) Priv_0000882 | 110) Priv_0001419 | 138) Priv_0001808 | 166) Priv_0002313 |
| 83) Priv_0000883 | 111) Priv_0001432 | 139) Priv_0001936 | 167) Priv_0002323 |
| 84) Priv_0000884 | 112) Priv_0001442 | 140) Priv_0001946 | 168) Priv_0002324 |
| 85) Priv_0000885 | 113) Priv_0001443 | 141) Priv_0001959 | 169) Priv_0002336 |
| 86) Priv_0000886 | 114) Priv_0001444 | 142) Priv_0001963 | 170) Priv_0002338 |
| 87) Priv_0000887 | 115) Priv_0001472 | 143) Priv_0001965 | 171) Priv_0002339 |
| 88) Priv_0000888 | 116) Priv_0001473 | 144) Priv_0001966 | 172) Priv_0002340 |
| 89) Priv_0000903 | 117) Priv_0001474 | 145) Priv_0001968 | 173) Priv_0002349 |
| 90) Priv_0000904 | 118) Priv_0001589 | 146) Priv_0001973 | 174) Priv_0002350 |
| 91) Priv_0000905 | 119) Priv_0001606 | 147) Priv_0001974 | 175) Priv_0002351 |
| 92) Priv_0000928 | 120) Priv_0001616 | 148) Priv_0001975 | 176) Priv_0002352 |
| | | | |

| 177) Priv_0002383 | 198) Priv_0002867 | 219) Priv_0003699 | 240) Priv_0004077 |
|-------------------|-------------------|-------------------|-------------------|
| 178) Priv_0002426 | 199) Priv_0002887 | 220) Priv_0003700 | 241) Priv_0004078 |
| 179) Priv_0002429 | 200) Priv_0002899 | 221) Priv_0003701 | 242) Priv_0004798 |
| 180) Priv_0002453 | 201) Priv_0003407 | 222) Priv_0003929 | 243) Priv_0004837 |
| 181) Priv_0002454 | 202) Priv_0003438 | 223) Priv_0003969 | 244) Priv_0004839 |
| 182) Priv_0002460 | 203) Priv_0003442 | 224) Priv_0003974 | 245) Priv_0004844 |
| 183) Priv_0002470 | 204) Priv_0003482 | 225) Priv_0003989 | 246) Priv_0004845 |
| 184) Priv_0002508 | 205) Priv_0003517 | 226) Priv_0004000 | 247) Priv_0004880 |
| 185) Priv_0002509 | 206) Priv_0003518 | 227) Priv_0004001 | 248) Priv_0004881 |
| 186) Priv_0002541 | 207) Priv_0003535 | 228) Priv_0004017 | 249) Priv_0004882 |
| 187) Priv_0002579 | 208) Priv_0003549 | 229) Priv_0004018 | 250) Priv_0004883 |
| 188) Priv_0002586 | 209) Priv_0003556 | 230) Priv_0004020 | 251) Priv_0005598 |
| 189) Priv_0002624 | 210) Priv_0003558 | 231) Priv_0004021 | 252) Priv_0005600 |
| 190) Priv_0002625 | 211) Priv_0003616 | 232) Priv_0004022 | 253) Priv_0005607 |
| 191) Priv_0002627 | 212) Priv_0003624 | 233) Priv_0004025 | 254) Priv_0005632 |
| 192) Priv_0002658 | 213) Priv_0003634 | 234) Priv_0004028 | 255) Priv_0005633 |
| 193) Priv_0002659 | 214) Priv_0003643 | 235) Priv_0004029 | 256) Priv_0005637 |
| 194) Priv_0002663 | 215) Priv_0003659 | 236) Priv_0004030 | 257) Priv_0005716 |
| 195) Priv_0002666 | 216) Priv_0003661 | 237) Priv_0004033 | |
| 196) Priv_0002667 | 217) Priv_0003664 | 238) Priv_0004034 | |
| 197) Priv_0002685 | 218) Priv_0003690 | 239) Priv_0004053 | |
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• Defendant must produce the following documents adding these specific redactions:

| Priv_0003968 | Redact the email ¹ sent from Cynthia A. Ferchaud on 10/9/2013 at 4:53 PM |
|--------------|--|
| Priv_0003975 | Redact the email sent from Christine Cassetta on 10/18/2013 at 11:54 AM |

¹ "Email" means (a) the content of the message, (b) the From, Sent, To, and Subject lines, and (c) the signature block.

| Priv_0003972 | Redact the email sent from Christine Cassetta on 10/18/2013 at 11:54 AM | |
|--------------|---|--|
| Priv_0003991 | Redact the email sent from Christine Cassetta on 10/25/2013 at 11:43 AM | |
| Priv_0003988 | Redact the email sent from Christine Cassetta on 10/25/2013 at 11:43 AM | |
| Priv_0003990 | Redact the email sent from Christine Cassetta on 10/25/2013 at 11:43 AM | |
| Priv_0005717 | Redact the email sent from Christine Cassetta on 10/25/2013 at 11:43 AM | |
| Priv_0000604 | Redact the email sent from Christine Cassetta on 11/19/2013 at 4:49 PM | |
| Priv_0000912 | Redact the email sent from Christine Cassetta on 11/19/2013 at 4:49 PM | |
| Priv_0001470 | Redact the email sent from Christine Cassetta on 11/19/2013 at 4:49 PM | |
| Priv_0003516 | Redact the email sent from Christine Cassetta on 11/19/2013 at 4:49 PM | |
| Priv_0003585 | Redact the email sent from Christine Cassetta on 11/19/2013 at 4:49 PM | |
| Priv_0002081 | Redact the paragraph that begins: "The need for" | |
| Priv_0002256 | Redact the paragraph that begins: "The need for" | |
| Priv_0004038 | Redact all content, except the emails sent from Matthew Ianetta on 1/23/2014 at 8:50:27 PM and from Amy St. Angelo on 1/23/2014 at 3:38 PM | |
| Priv_0004037 | Redact all content, except the email sent from Amy St. Angelo on 1/23/2014 at 8:38:06 PM | |

• Defendant must re-produce the following previously redacted documents, **removing these specific redactions:**

| Priv_0002249 | Unredact all content, except the bullet point that begins: "Anna & Matt Iannetta reach out to Dennis Murphy" |
|--------------|---|
| Priv_0003692 | Unredact all content, except the bullet point that begins: "Anna & Matt Iannetta reach out to Dennis Murphy" |
| Priv_0003698 | Unredact all content, except the bullet point that begins: "Anna & Matt Iannetta reach out to Dennis Murphy" |
| Priv_0003613 | Unredact the consecutive series of bullet points that start with: "Illuminate will have to test" and end with: "Illuminate is currently creating" |

| Priv_0003651 | Unredact the consecutive series of bullet points that start with: "Illuminate will have to test" and end with: "Illuminate is currently creating" |
|--------------|--|
| Priv_0003693 | Unredact the consecutive series of bullet points that start with: "Illuminate will have to test" and end with: "Illuminate is currently creating" |
| Priv_0003592 | Unredact the consecutive series of bullet points that start with: "Illuminate will have to test" and end with: "Illuminate is currently creating" |
| Priv_0004083 | Unredact the bullet point that states: "Karly and Renee to meet with Illuminate to discuss potential" |
| Priv_0004084 | Unredact the bullet point that states: "Karly and Renee to meet with Illuminate to discuss potential" |
| Priv_0003656 | Unredact the paragraph that begins: "To this last point JP and Melissa will continue to work with the products" |
| Priv_0004927 | Unredact the sentence that begins: "More importantly, I wanted to share the latest" |

As to any document not identified above, the privilege is upheld. Defense counsel is reminded of their obligation to supplement previous discovery productions and privilege logs if, in consideration of this Order, it is determined that discovery has been improperly withheld as privileged or confidential.

/s/ Gerald Austin McHugh United States District Judge